

REMARKS

Claim 1-4 and 8-17 remain in this application. Claims 5-7 have been canceled. Claims 1 and 10 have been amended to more clearly set forth the invention. In addition, new claims 11-17 have been added consistent with the amendments above.

In particular, claims 1 and 10 have been amended, and corresponding new claims 11 and 17 have been added, to set forth that the claimed compositions self-separate from water without emulsification. The compositions self-separate due to differing densities from water, i.e., greater or less than water. In Applicants' related Application Serial No. 09/929,562, similar claim amendments were submitted, which the Examiner has indicated as rendering the claims thereof allowable over the same collection of cited art (U.S. Patent Nos. 5,149,441 to Welch, II et al.; 4,147,821 to Young; and 5,006,233 to Muisener).

Therefore, Applicants submit that the present claims 1-4 and 8-17 are patentably distinct over the art and allowable in form. Early allowance is therefore solicited.

As regards Applicants' Information Disclosure Statement, the Examiner states that it was submitted on August 26, 2003, and therefore, fails to comply with the requirements of 37 C.F.R. 1.97, 1.98 and MPEP §609 because no fee was included.

An Information Disclosure Statement will be considered by the PTO without a fee if the requirements of 37 C.F.R. 1.97(b) are satisfied. This section includes Information Disclosure Statements submitted within three months of the application filing date, as well as Information Disclosure Statements submitted before the mailing of a first Office Action on the merits. 37 C.F.R. 1.97(b)(1), (3). A fee is not required for Information Disclosure Statements submitted in accordance with these time periods.

In this case, contrary to the Examiner's statement, Applicants filed the Information Disclosure Statement on November 14, 2001, as indicated by the certificate of mailing attached thereto (a copy of which is attached hereto). Applicants filed the present application on August 14, 2001. Therefore, the Information Disclosure Statement was timely submitted within three

months of the application filing date, and no fee was necessary.

Furthermore, a first Office Action on the merits was not mailed until March 26, 2003. The return postcard for the Information Disclosure Statement was date-stamped by the PTO on January 15, 2002 (a copy of which is attached hereto). Therefore, Applicants also satisfied the requirements by submitting the Information Disclosure Statement prior to the mailing of the first Office Action. As such, Applicants' Information Disclosure Statement was timely submitted without a fee.

In view of the above, Applicants respectfully request that all of the documents submitted in the Information Disclosure Statement be made of record herein, listed on the "Notice of References Cited" to be issued in this application, and printed on any patent that issues from this application.

In addition, as requested by the Examiner in a telephone conference on October 31, 2003, Applicants are concurrently filing a terminal disclaimer over any patent granted on U.S. Application No. 09/929,562, filed August 14, 2001.

The Examiner is encouraged to contact Applicants' undersigned attorney should there be any questions regarding this amendment. All correspondence should continue to be directed to the address given below.

Respectfully submitted,



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